

REMARKS

Applicant has carefully reviewed the Advisory Action mailed January 12, 2009 and offers the following remarks to accompany the above amendments.

Claims 35, 37-39, 41, and 43-58 were previously pending. Claims 1-34, 36, 40, 42, and 54-58 were previously cancelled. Applicant has added claims 59-61 herein. Accordingly, claims 35, 37-39, 41, 43-53, and 59-61 remain pending.

Applicant's invention relates to a first device that can obtain a playlist over a network, and direct a second device to receive or obtain a media item, such as a song, that is referenced in the playlist. The second device is directed by the first device, without user input at the second device.

In the Advisory Action, the Patent Office has maintained the rejections based on U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto"). The Patent Office refers to the Office Action mailed October 20, 2008 (hereinafter the "Office Action") for its reasoning.

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and para. 23). The IM player interfaces with an IM server for IM messages and a media server to obtain media (*Id.* at para. 16). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (*Id.* at para. 27). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid.*). The second user may activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid.*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink. In direct contrast, Applicant's claimed invention directs or instructs a second device to obtain or receive a song. A user need not affirmatively select a hyperlink. In fact, Applicant's claimed invention can work with second devices with which a user could not affirmatively select a hyperlink, such as a stereo receiver, a television, and the like.

Thus, Szeto neither teaches nor suggests a first device that can direct a second device to obtain or receive a media item, because Szeto discloses that a user must enter input at the second device to direct the second device to obtain the media item.

Applicant has amended independent claims 35, 48, and 53 to clarify that the second device in Applicant's claimed invention is directed by the first device, not a user at the second

device. Applicant has added new claims 59-61 to further emphasize related aspects of Applicant's invention, including that the second device is directed without user input at the second device.


Because Szeto discloses that a user must direct the device in Szeto to obtain songs, and because Applicant's claimed invention specifically requires either that the second device is directed by a first device or is directed without user input at the second device, Applicant submits that Szeto cannot anticipate Applicant's claimed invention, and that Applicant's claims are therefore allowable.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Eric P. Jensen
Registration No. 37,647
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

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